E1 sample of cells contacted with said substance in the presence of TGF-ß as compared to a control sample of cells is indicative of said substance inhibiting TGF-ß/Alk-1 phosphorylation of Smad1.

E2 47. (Amended) The method of claim ~~45~~, wherein said first sample of cells that express Alk-1 are transfected with a nucleic acid molecule which encodes a Smad1.

REMARKS

Applicants have cancelled claims 29-42, 53, 50 and 51 without prejudice and expressly reserving the right to pursue the subject matter of the cancelled claims in one or more subsequent applications.

The Examiner has withdrawn claims 47, 50 and 51 from further consideration to the extent that they are drawn to a non-elected invention. The Examiner placed claim 47, which recites Smad 1 and Smad 5, and claims 50 and 51, which recite Smad 5, into Group II, which applicant elected. The Examiner did not state that if applicants elected Group II that a species would have to be elected. Nonetheless, in order to expedite prosecution, applicants have cancelled claims 50 and 51 without prejudice and have amended claim 47 to refer only to Smad-1 and not Smad-5.

Claims 43-49 and 52 stand rejected under 35 U.S.C. § 112, first paragraph for purportedly being non-enabled.

> "A decision on the issue of enablement required determination of whether a person skilled in the pertinent art, using the knowledge available to such a person and the disclosure in the patent document, could make and use the invention without undue experimentation. It is not fatal if some experimentation is needed, for the patent document is not intended to be a production specification."
>
> *Northern Telecom, In. v. Datapoint Corp.*, 15 USPQ 1321, 1229

The Examiner acknowledges that the specification teaches that Alk-1 binds to TGF-β in the presence of its type II receptor. The Examiner also acknowledges that the specification